

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

|                          |   |                                |
|--------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA | ) |                                |
|                          | ) |                                |
| v.                       | ) | CR. NO. <u>2:07-CR-136-MHT</u> |
|                          | ) |                                |
| KEITH ANDERSON           | ) |                                |
|                          | ) |                                |
|                          | ) |                                |
|                          | ) |                                |

**GOVERNMENT'S RESPONSE TO DEFENDANT'S SENTENCING MEMORANDA**

The defendant in this case, Keith Anderson, pled guilty to a three-count Information charging him with production of child pornography (18 USC 1466A), transportation of child pornography (18 USC 2252A(a)(1)) and possession of child pornography (18 USC 2252A(a)(5)(B)). Based on the United States Sentencing Guidelines, § 2G2.2, Mr. Anderson has a base offense level of 22, a two-level increase for images portraying prepubescent minors, a two-level increase for distribution, a four-level increase for images portraying sadistic or masochistic conduct; a two-level increase for use of a computer; and a five-level increase for possessing more than 600 images (Mr. Anderson had approximately 1800 still images and more than 20 video clips spread across two computers). Mr. Anderson should properly receive a three-level decrease for acceptance of responsibility, due to his timely plea. Accordingly, his total offense level is properly calculated at 34. Given a Criminal History Category I, Mr. Anderson's advisory Guidelines range is 151 to 188 months.

Because Mr. Anderson is guilty of crimes under chapters 71 and 110 of the United States Code, this Court is required to sentence him within the applicable Guidelines range, unless there exists some aggravating or mitigating circumstance of a kind, or to a degree not adequately taken

into consideration by the Sentencing Commission in formulating the guidelines. *See* 18 USC 3553(b)(2)(A).

In his sentencing memoranda, Mr. Anderson argues that he is a marginal offender, and that essentially, Congress did not intend for the law to be applied to him. He further argues that he should be handed a lighter sentence because many of the images he possessed had been deleted. Those arguments are entirely unsupported by fact or law. Mr. Anderson stands before the Court convicted of three separate child pornography crimes. The facts which underlie his convictions reveal a young man who is all but consumed by his desire to view images of children under the age of thirteen being sexually abused by adults. The law and the Guidelines provide a recommended range for sentencing a defendant who has been convicted of these despicable crimes. The defendant has failed to present any mitigating circumstance that would warrant a downward departure of any kind.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on October 17, 2007, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to defense counsel Keith Rodgers, Esq.

Respectfully submitted,

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